

Remediation and Redevelopment Program

April 2017

Request for Exemption from Location Criteria of NR 718.12(1)(c) for Managing Soil as an Immediate Action

Purpose

The purpose of this document is to provide a consistent format for requesting an exemption from Wis. Admin. Code § NR 718.12(1)(c) location criteria. If the location criteria will not be met, the person conducting the immediate action may request a written exemption from the DNR from these requirements by demonstrating that the proposed activities will not cause a threat to public health, safety, welfare and the environment.

Introduction

Contaminated soil at a site or facility excavated or otherwise managed as part of an immediate action may be exempted from the Solid Waste Rules in Wis. Stat. § 289 and Wis. Admin. §§ NR 500 to NR 538 by Wis. Admin. § NR 718.12(1) if soil contaminant concentrations are less than Wis. Admin. Code § NR 720 Residual Contaminant Levels. Management as an immediate action is generally self-implementing and does not require prior approval from the Department of Natural Resources (DNR) if the requirements of Wis. Admin. Code § NR 718.12(1) are met. This includes placing excavated soil at a site or facility that meets the location criteria specified in Wis. Admin. Code § NR 718.12 (1) (c).

Document Instructions

Complete all sections of this document as instructed below. Some portions of the document may be filled in directly as indicated, other

responses will need to be completed separately and attached. Both versions, electronic and hardcopy, of the completed document and accompanying attachments should be submitted to the DNR project manager for the site where soil is being generated. If you do not know who the project manager is or one has not been assigned, submit this document to the Environmental Program Associate (EPA) in the appropriate region. A list of EPAs can be found here: <http://dnr.wi.gov/topic/Brownfields/Contact.html>.

Section 1 – Contact and Property Information

Fill in all applicable portions of this section.

Information About the Site Where Material is Proposed to be Excavated – Complete all applicable boxes

BRRTS No.	BRRTS Activity (Site) Name
Response Action Site Address	VPLE No.
City	Parcel ID No.
State	FID No.
County	Zip Code

WTM Coordinates				WTM Coordinates Represent		
X:		Y:		Source Area <input type="checkbox"/>	Parcel Center <input type="checkbox"/>	
$\frac{1}{4}$	$\frac{1}{4}$	Sec:	T:	R:	E/W:	
Latitude:				Longitude:		

Requestor Information				
Last Name		First		Organization/Business Name
Signature(s)				Date
Mailing Address			City	State ZIP Code
Phone # (include area code)			Email	
<p>Check the box that describes the requestor's relationship to the generating property:</p> <p> <input type="checkbox"/> Is the property owner <input type="checkbox"/> Is renting or leasing the property <input type="checkbox"/> Is developing the property <input type="checkbox"/> Other, describe relationship: </p>				

Environmental Consultant Information	
Firm Name and Contact Person	
Mailing Address	State
City	ZIP Code
Phone # (include area code)	Email

Information About the Site or Facility Where Soil Will Be Disposed, if Different Than The Site or Facility From Which it Was Generated

☐ Select if Same as Generating Property

BRRTS No.				BRRTS Activity (Site) Name			
Response Action Site Address				VPLE No.			
City				Parcel ID No.			
State				FID No.			
County				Zip Code			
WTM Coordinates				WTM Coordinates Represent			
X:		Y:		Source Area <input type="checkbox"/>		Parcel Center <input type="checkbox"/>	
1/4	1/4	Sec:	T:	R:	E/W:		
Latitude:				Longitude:			

Receiving Property Owner Information

Provide the following information for the owner of the receiving site or facility. If there is more than one property owner include the information requested below for each as a separate document and attach to this form.

Property Owner Name(s)		Company Name		
Mailing Address		City	State	ZIP Code
Phone # (include area code)		Email		

Section 2 – Location Criteria

Indicate if excavated waste material will be placed in any of the following locations:

- ☐ Within a floodplain.
- ☐ Within 100 feet of any wetland or critical habitat area.
- ☐ Within 300 feet of any navigable river, stream, lake, pond, or flowage.
- ☐ Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well.
- ☐ Within 3 feet of the high groundwater level.
- ☐ At a depth greater than the depth of the original excavation from which the contaminated soil was removed.

Provide the justification for exempting the proposed waste management activity from the indicated criteria as described below.

Explain why granting an exception to the Wis. Admin. Code § NR 718.12(1)(c) location criteria will not cause a threat to public health, safety, welfare and the environment by assessing how all potential exposure and migration pathways of concern, including direct contact exposure, vapor intrusion, ground water, surface water, sediment and any other relevant pathway will be addressed by the proposed management. Consider the quantity and characteristics of the waste being managed, the geologic and hydrogeological characteristics of the receiving site, the unavailability of other environmentally suitable alternatives, and whether the activities will comply with other state and federal regulations including other portions of Wis. Admin. Code §§ NR 700 to NR 754. Attach your response to the end of this document.

Section 3- Attachments

Attach copies of the following documents:

- A table summarizing the analytical results of all waste samples collected at the generating site or facility. Clearly indicate which of these samples were collected from material that is proposed to be managed.
- The analytical package for all samples listed on the above table. The package should include the sample results, chain of custody, sampling methods, and QA/QC data.
- Figure(s) that clearly depict the items listed below, if applicable to the immediate action being conducted. All maps should be drawn to scale not larger than 1 inch equal to 100 feet and labeled with the site or facility name and address. The location of the property and the specific disposal area must be provided in sufficient detail to allow DNR personnel to inspect these areas in the future.
 - The boundaries of each property involved in the project as well as named and unnamed roads or access points, buildings and other surface features, underground utilities, land uses on adjacent properties, and known and potential sources of hazardous substances.
 - The location of wetlands, critical habitat areas, floodplains, surface water bodies, water supply wells, or other possible receptors located near or within the area where material will be managed.
 - The lateral extent and depth of planned excavation, grading, or otherwise disturbed areas.
 - The lateral extent and thickness of excavated material placement locations.
 - Soil sample locations at the generating and receiving sites. Depict applicable soil contaminant concentration data and sample depths. Indicate the extent of contamination exceeding a RCL.
 - Depth to groundwater.

RR Program Contacts

General questions regarding Wis. Admin. Code §§ NR 718.12 and 718.15 exemptions should be made to:

- Statewide: Paul Grittner, Paul.Grittner@wisconsin.gov, (608) 263-8541
- Northeast Region: Kristen Dufresne, Kristen.Dufresne@wisconsin.gov, (920) 662-5443
- Northern Region: Chris Saari, Chris.Saari@wisconsin.gov, (715) 685-2920
- South Central Region: Mike Schmoller, Michael.Schmoller@wisconsin.gov, (608) 275-3303
- Southeast Region:
 - Nancy Ryan, Nancy.Ryan@wisconsin.gov, (414) 263-8533
 - Linda Michalets, Linda.Michalets@wisconsin.gov, (414) 263-8757
- West Central Region: Matt Thompson, Matthew.Thompson@wisconsin.gov, (715) 839-3750

This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

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